

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

26008

FILE: B-210754.2**DATE:** August 16, 1983**MATTER OF:** B & L Turbine & Pump Repairs, Inc.**DIGEST:**

Procuring agency is under no legal obligation to request SBA to reconsider its declination to issue a COC to a small business firm after receipt of new information where contracting officer has reconsidered nonresponsibility determination in light of new information presented and determines that small business firm remains nonresponsible.

B & L Turbine & Pump Repairs, Inc. (B&L), protests the Navy's failure to seek a second Small Business Administration (SBA) certificate of competency (COC) review following B&L's submission of new information which SBA had not considered in the course of its first COC review of B&L's responsibility as a prospective contractor under solicitations N00102-83-R-0609 and N00102-83-R-0610, issued by the Portsmouth Naval Shipyard, Portsmouth, New Hampshire.

The Navy has advised us that on July 7, 1983, following receipt of B&L's submission of new information, the contracting officer reconsidered the nonresponsibility determination and found that B&L remained nonresponsible. We have held that in such circumstances there is no legal obligation for the agency to request SBA reconsideration of its declination to issue a COC. Reuben Garment International Co., Inc., B-198923, September 11, 1980, 80-2 CPD 191.

Accordingly, the protest is clearly without legal merit and is summarily denied without awaiting a report from the Navy. 4 C.F.R. § 21.3(g) (1983), as amended by 48 Fed. Reg. 1931 (1983).

Milton J. Fowler
for
Comptroller General
of the United States

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